

FILED  
Clerk  
District Court

JUN - 5 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE  
12 NORTHERN MARIANA ISLANDS

13 TOSHIHIRO TAKAHASHI,

14 Plaintiff,

15 vs.

16 MAEDA PACIFIC CORPORATION,

17 Defendant.

CIVIL ACTION NO. CV 05-0026

SECOND DECLARATION OF JAMES D.  
LIVINGSTONE

18  
19 I, James D. Livingstone, hereby declare under penalty of perjury:

20 1. I moved to Saipan in August 2002 to work in the CNMI's Office of the Attorney  
21 General and continued to live on Saipan and work in the office until recently. Now, I reside in  
22 Massachusetts. I do not live, work, or do business in the Commonwealth.

23 2. I grew up in Massachusetts. When I graduated from law school, I took and  
24 passed the Massachusetts bar exam and became a member of the bar. Although I lived and  
25 worked in Washington, DC at the time, I took the Massachusetts bar because I intended to  
26 eventually return home to Massachusetts and practice there.

27 3. Last year, I worked for the Attorney General's Office. One of my clients was the  
28

1 Commonwealth Election Commission. Early in 2005, I strongly considered leaving Saipan.  
2 However, I promised the Executive Director of the Commission that I would continue to work at  
3 the Attorney General's Office and represent the Commission through the 2005 general election.

4 4. The CNMI general election took place in November 2005 and the last election  
5 challenge ended in January 2006.

6 5. I left Saipan for vacation after the Superior Court proceedings involving the last  
7 election challenge ended. I traveled to Massachusetts to spend Christmas with my parents and  
8 siblings, all of whom reside in Massachusetts, and to decide where I wanted to live.

9 6. During my trip, I decided that it was time to leave Saipan and return to live in  
10 Massachusetts. As a result, I began looking for a job in Massachusetts and interviewed at one  
11 Boston law firm during the trip.

12 7. When I returned to Saipan in January 2006, I resigned from the Attorney  
13 General's Office. I agreed to work until March 22, 2006 to allow a smooth transition for the new  
14 Attorney General and finish up some of the more important matters I was assigned to handle.

15 8. When I resigned, I planned to leave Saipan in early April and then move to  
16 Massachusetts. I terminated the lease for the apartment where I have stayed the past few years,  
17 effective the end of April 2006. The lease was month-to-month.

18 9. In February 2006, Vic and Jack Torres asked me to help them coach Southern  
19 High School's Mock Trial team. The Torres Brothers are some of my best friends and have  
20 treated me like a member of their family during my stay on Saipan. I agreed to coach the team  
21 because the Torres Brothers asked me to do so and because the competition was scheduled to end  
22 in late March 2006, around the time I planned to leave the Attorney General's Office.

23 10. I left the Attorney General's Office on March 22, 2006.

24 11. Southern High School's Mock Trial team won the CNMI championship. As a  
25 result, it became the CNMI's representative in the national competition. The national  
26 competition took place from May 11-14, 2006.

27 12. I agreed to delay my departure from the Commonwealth to continue to coach the  
28 team with the Torres Brothers until the end of the national competition.

1           13.     As part of my contract with the Attorney General's Office, the office agreed to  
2 pay for my plane ticket to return to Massachusetts and ship my household goods there as well.

3           14.     I arranged for my plane ticket to be used to fly first to Oklahoma City for the  
4 national competition and then to Boston, where I would move. I did not plan to return to Saipan  
5 after the competition. In addition to arranging the plane ticket, I arranged for my household  
6 goods to be shipped to Massachusetts. My household goods are now are their way to  
7 Massachusetts. They will be delivered to 38 Old Wood Rd., North Attleboro, MA. I also began  
8 applying for jobs in Massachusetts.

9           15.     I left Saipan in early May to go to the competition and move back to  
10 Massachusetts. After the competition ended, I immediately returned to Massachusetts and  
11 established my residency at 38 Old Wood Rd., North Attleboro, MA. The house at this address  
12 is owned by my parents and it is the house I grew up in. I moved some personal belongings (as  
13 much as I could carry on the plane) to this address. Almost all of my household belongings are  
14 now in Massachusetts or on their way there.

15           16.     Because of my stated intention not to return to Saipan after the competition, the  
16 team presented me with a plaque of appreciation in Oklahoma City. The team did not prepare a  
17 plaque for the Torres Brothers at that time because they were returning to Saipan and their  
18 plaque was presented to them on their return.

19           17.     Shortly before the national Mock Trial competition, Vic Torres asked me to help  
20 him represent the plaintiff in this case. I agreed and sat in on some depositions. I did not ask  
21 any questions or even speak on the record in the depositions. I then agreed to help him with the  
22 trial. If anyone else besides the one of the Torres Brothers had asked me to assist with this case,  
23 I would not have agreed because I did not plan to remain on Saipan any longer. In fact, since I  
24 announced my resignation from the Attorney General's Office, several other lawyers on Saipan  
25 asked me to join them in private practice or work with them on a particular matter. I have  
26 declined all such offers.

27           18.     I returned to Saipan a few days before the scheduled May 30, 2006 trial date.  
28 When I returned, it was only on a temporary basis to represent the plaintiff in this matter. I am

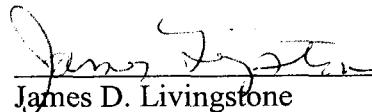
1 not representing any other clients or conducting any other business in the Commonwealth. In  
2 fact, because I had established my residency in Massachusetts, when I returned to the CNMI, I  
3 returned as a "visitor" and not as a "returning resident". I filled out my CNMI immigration form  
4 accordingly.

5 19. I am still owed money by the Commonwealth for tax refunds and travel advances.  
6 Because I am leaving island, I have asked that all checks that cannot be issued by June 19, 2006  
7 be sent to my new residence, 38 Old Wood Rd., North Attleboro, MA.

8 20. I have extended the lease on my apartment until the end of June 2006 so that I  
9 have a place to stay on Saipan during the trial. The possessions that remain in the apartment are  
10 limited to those that I plan to use during the trial and the time leading up to it or that I have  
11 agreed to sell or give away upon my final departure from Saipan. I am in the process of selling  
12 the Pathfinder that I own. I have delayed finalizing any proposed sales until the conclusion of  
13 this trial so that I have transportation during my temporary stay on Saipan.

14 21. In sum, I am a resident of Massachusetts. My intention is to live and work in  
15 Massachusetts and not on Saipan. My household possessions are almost all in Massachusetts or  
16 on their way there. I am not engaging in any other professional activities in Saipan besides the  
17 work in this case. And I am only on Saipan on a temporary basis to represent the plaintiff in this  
18 case.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
20 Saipan, MP on June 5, 2006.

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James D. Livingstone